

5/029/088



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
FILLMORE FIELD OFFICE
35 East 500 North
Fillmore, Utah 84631



In Reply Refer to:
3800
(U-010)
UTU-078286

May 3, 2004

CERTIFIED MAIL #7003 2260 0005 6848 5516
RETURN RECEIPT REQUESTED

DECISION

MERT HAMILTON	:	43 CFR 3809
ASSOCIATE	:	Failure to Submit
ROCANVILLE/WING	:	Financial Guarantee
461 TOPAZ	:	
DELTA UT 84624	:	

Notice Expired, Plan of Operations Required

On February 6, 2004, the Utah State Office (USO) of the Bureau of Land Management (BLM) issued a decision requiring that you submit a surface management bond in the amount of \$9000 within 60 days of receipt of the decision. The bond was to be a financial guarantee for reclamation of the Rich Gulch operation, located in T. 23 S., R. 10 W., Section 33. You did not submit the required financial guarantee within the allowed timeframe; therefore, as stated in the decision, the notice has expired.

As mandated by §3809.300(d), you may not operate at the site until you have an approved Plan of Operations (Plan) and financial guarantee in place. Since your operation exceeds five acres of disturbance, the Utah Division of Oil, Gas and Mining (UDOGM) will probably require a large mine plan and interim bond.

Within 30 days of receipt of this decision, you must either have an interim bond of at least \$9,000 in place with UDOGM and a Plan filed with the BLM, or you must begin reclamation of the site. If you wish, we can meet on site to help you prepare the Plan. However, the Plan we prepare may not meet the requirements of a Large Mine Plan required by UDOGM.

RECEIVED

MAY 06 2004

UDOGM OF OIL, GAS & MINING

If you do not agree with, and are adversely affected by, this order, you have the right to request review by the Utah State Director (SD) of the BLM, in accordance with 43 CFR 3809.800. If you exercise this right, your request, accompanied by a brief written statement explaining why we should change our decision and any documents that support your written statement, must be filed in writing within 30 days after you receive this decision. The envelope should be marked "State Director Review" and sent to the following address:

BUREAU OF LAND MANAGEMENT
UTAH STATE OFFICE
PO BOX 45155
SLC UT 84145-0155

You should include a telephone or fax number by which the SD can contact you. If the SD does not make a decision within 21 days on whether to accept your request for review, you should consider your request declined, and you may appeal this decision to the Office of Hearings and Appeals (OHA). You may also appeal to OHA if the SD's decision is adverse to you. You must file a notice of appeal to this office within 30 calendar days of the date you receive the SD's decision or decision not to review.

You may also bypass State Director review, and appeal directly to OHA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Fillmore Field Office within 30 days of receipt of this decision. You have the burden of showing that the decision appealed from is in error.

If you wish to file a petition to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals (Board), the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay **must** also be submitted to each party named in this decision and to the Board, and to the appropriate Office of the Solicitor (see 43 CFR 4.412) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

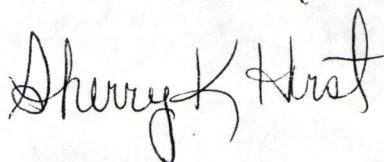
Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,

- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As mandated in 43 CFR 3809.808, this decision will remain in full force and effect during review and appeal unless a written request for a stay is granted.

Enclosure:
Form 1842-1



cc: Tom Munson, UDOGM (S/027/088)
Jan Maitland, 8235 Douglas Ave, Dallas, TX 75225
Stacie Hamilton, 17490 Meandering Way, #C-1405, Dallas TX 75252
William Hudson, 8235 Douglas Ave., Dallas, TX 75225
Margaret and Mark Layton, PO Box 15, Hackberry, AZ 86411